

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Kevin E. Laracey; Krishna A. Canekaratne; Edward J. Morgan;  
Brian C. Barnes; Ishan Birchett  
Assignee: Siebel Systems, Inc.  
Title: ELECTRONIC BILL PRESENTMENT AND PAYMENT  
Application No.: 09/602,697 Filing Date: June 24, 2000  
Examiner: Richard C. Weisberger Group Art Unit: 3693  
Docket No.: OIC0055US Confirmation No.: 1482

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Austin, Texas  
June 2, 2008

COMMISSIONER FOR PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**PETITION FOR WITHDRAWAL OF ABANDONMENT**

Dear Sir:

The Applicants hereby petition under 37 CFR §1.181(a) that the abandonment of the above referenced application set forth in the Notice of Abandonment dated May 1, 2008 be withdrawn. The Notice of Abandonment alleges Applicants failed to timely file an election of claims in response to a Restriction Requirement mailed October 18, 2007. As more fully described below, Applicants elected claims other than by express reply to the October 18, 2007 Restriction Requirement.

The October 18, 2007 Restriction Requirement required election of one of the following two groups of claims:

I. Claims 1-23 are, drawn to a method and system of providing billing information to a billing portal, classified in class 705, subclass 35.

II. Claims [sic] 24 are, drawn to a method of supplying billing information to a billable entity associated with a billing portal, classified in class 705, subclass 35.

Claim 24 was the subject of prior Restriction Requirement dated October 31, 2002. The prior Restriction Requirement required election from the following three groups of claims:

I. Claims 1-11, drawn to a method of providing billing information at the request of the billable entity, classified in class 705, subclass 40.

II. Claims 12-18, drawn to a method of providing billing information at the request of a billing consolidator, classified in class 705, subclass 40.

III. Claims 19-24, drawn to a system of providing billing information using a dedicated software program, classified in class 705, subclass 40.

Applicants responded to the prior Restriction Requirement by electing, *with traverse*, Group I, Claims 1-11. The traversal was acknowledged but found unpersuasive in the Office Action dated December 17, 2004, which made the prior Restriction Requirement final, and which also rejected claims 1-11 under 35 U.S.C. §102.

The Office Action stated:

This application contains Claims 12-24 drawn to an invention non-elected with traverse. A complete reply to the final rejection must include cancellation of non-elected claims or other appropriate action (37 C.F.R. 1.144). See MPEP 821.01.

On April 18, 2005 Applicants filed an Amendment dated in response to the Non-Final Office Action dated, in which Claims 12-24 were cancelled, as required.

For some reason unknown to Applicants, the Examiner issued the second Restriction Requirement on October 18, 2007, which required election of one of the following two groups of claims, even though Claims 12 - 24 were cancelled in response to the prior Restriction Requirement:

I. Claims 1-23 are, drawn to a method and system of providing billing information to a billing portal, classified in class 705, subclass 35.

II. Claims [sic] 24 are, drawn to a method of supplying billing information to a billable entity associated with a billing portal, classified in class 705, subclass 35.

Because Claims 12-24 were cancelled in response to the prior Restriction Requirement and because the remaining claims 1 -11 were acted on by the Examiner, claims 1 -11 were elected, even though the election was not expressly made in response to the Restriction Requirement dated October 18, 2007. MPEP 818.02 states that an election may be made in other ways than expressly in reply to a requirement as set forth in MPEP §818.02(a) and §818.02(c).

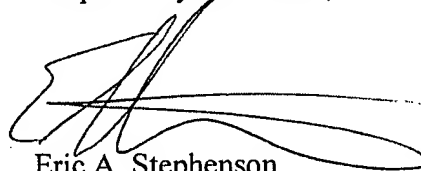
MPEP §818.02(c) sets forth:

“Where Applicant is claiming two or more inventions (which may be species or various types of related inventions) and as a result of action on the claims, he or she cancels the claims to one or more of such inventions, leaving claims to one invention, and such claims are acted upon by the examiner, the claimed invention thus acted upon is elected.”

Since Applicants previously cancelled claims 12 – 24 in response to the prior Restriction Requirement, and the examiner acted on the remaining claims 1 – 11, Applicants have elected to further prosecute Claims of Group I set forth in the October 18, 2007 Restriction Requirement, even though no express election reply was submitted thereto.

As no defect exists in the Applicants’ previous submission, the applicants respectfully submit that no petition fee is required. However, if any fee is required, please charge such fee to Deposit Account No. 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eric A. Stephenson', with a long horizontal flourish extending to the right.

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